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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,671	08/27/1999	CHARLES ERIC HUNTER	WT-1	9516
35856	7590	03/19/2004	EXAMINER	
LAVA GROUP LAW BY SMITH & FROHWEIN, LLC P.O. BOX 88148 ATLANTA, GA 30356			DINH, DUNG C	
		ART UNIT		PAPER NUMBER
		2153		21
DATE MAILED: 03/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/385,671	HUNTER, CHARLES ERIC
Examiner	Art Unit	
Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,5-9,16,17,29-35,48-51 and 64 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1,5-9,16,17,29-35,48-51 and 64 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Art Unit: 2153

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/03 has been entered.

Response to Arguments

Applicant's arguments filed 12/18/03 have been fully considered but they are deemed moot in view of new grounds of rejection below.

Claim Objection

Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 17 recite transmitting at faster than real time speeds by transmitting the movies in a compressed-time format. 'Faster

Art Unit: 2153

than real-time' is 'compressed-time'. Since the movie is transmitted faster than real-time, its timeline is during transmission shorter than the real time of the movie; i.e. it is time compressed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 16-17, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo US patent 5,619,247 and further in view of Schulhof et al. US patent 5,557,541 and Rabowsky US patent 6,141,530.

As per claim 1, Russo teaches a method of distributing movies comprising:

transmitting plural movies to plural customer home [inherent in the cable system];

permitting the customer to record and playback transmitted movies [col.4 to col.5];

communicating playback information to a central controller system and using the information to bill the customer for only the movies that are played back for viewing [col.5 lines 1-5, col.6 lines 25-32].

Russo does not teach a system where the movies are transmitted faster than real-time to the customer. In similar field of invention, Schulhof teaches a method for customer to record programming by transmitting the program faster than real-time to enable the customer to quickly record the program [col. 5 lines 60-68]. Schulhof teaches recording of audio programming. However, Rabowsky teaches a system for transmitting and recording movies faster than real-time by digitizing the movies and transmit to multiple users simultaneously (see abstract). Given the teaching of Schulhof, one of ordinary skill in the art would have been motivated to combine the teaching of Rabowsky with Russo because it would have enable the customer to quickly record the desired movies.

As per claim 5, Rabowsky teaches encoding the transmitted movies which permit playback with compatible decoding means (see col.6 lines 5-23, lines 58-68 to col.7 line 4).

As per claim 16, Rabowsky teaches transmitting via broadcast satellite (col.8 line 44-45).

Art Unit: 2153

As per claim 17, a transmission that is faster than real-time is in a compressed-time format.

As per claim 64, it is rejected under similar rationale as for claim 1 above. Russo does not teach tying an unrestricted movie to the purchase of a music selection. It would have been obvious for one of ordinary skill in the art to offer a free product as enticement to induce customer into making a purchase. The type of products tying would have been a matter of business choice.

Claims 6-9, 29-35, 48-51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo, Schulhof and Rabowsky and further in view of Banker et al. US patent 6,005,938.

As per claim 6, Russo and Rabowsky do not teach encoding the movie with a time-based code keys. In similar field of invention, Banker teaches method of encryption including encrypting with time-based code keys and transmitting keys to the users to enable playback at during certain period of time and prevent authorized uses (see Abstract, fig.2, col.1 lines 37-63, col.4 lines 7-53). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of

Baker to Russo to encode the movie with a time-based coke key because it would have improved the security of the system.

As per claim 7, Banker teaches transmit a correlated key B to all customer and a time based key C that are provide to customer that are in good standing. see Baker col.6 lines 55-68 and Russo col.6 lines 15-21, 50-53.

As per claim 8, Russo teaches communicate playback information to the central controller when time based code C are provided (col.6 lines 25-27).

As per claim 9, Russo teaches using phone/modem to communicate to the central controller (fig.2 #140).

As per claims 29-35, and 48-51 they are rejected under similar rationale as for claims 1 + 6-8 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Application/Control Number: 09/385,671

Page 7

Art Unit: 2153

Washington, DC 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
March 11, 2004